

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 162

# **SENATE BILL 1152**

AN ACT

AMENDING SECTIONS 36-404 AND 36-568.01, ARIZONA REVISED STATUTES; RELATING  
TO HEALTH CARE CONFIDENTIAL INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-404, Arizona Revised Statutes, is amended to  
3 read:

4 36-404. Limitation of disclosure of information

5 A. Information received and records kept by the department for the  
6 purpose of administering this chapter are available to the public except:

7 1. Information obtained for purposes of articles 4 and 5 of this  
8 chapter.

9 2. Patient records, including clinical records, medical reports,  
10 laboratory statements and reports, any file, film, record or report or oral  
11 statement relating to diagnostic findings and treatment of patients, or any  
12 information from which a patient or the patient's family might be identified.

13 3. Sources of information which cause the department to believe that  
14 an inspection of an institution is needed to determine the extent of  
15 compliance with this chapter and rules adopted pursuant to this chapter.

16 B. The department may release information listed under subsection A  
17 to an officer of the court pursuant to a court order ~~and to~~, a department or  
18 agency of this state, A LAW ENFORCEMENT AGENCY OR A COUNTY MEDICAL EXAMINER  
19 if the release of this information is necessary and pertinent to an  
20 investigation or proceeding ~~and~~ UNLESS the release of such THIS information  
21 is authorized PROHIBITED by federal or state law. The recipient shall  
22 maintain patient and source name confidentiality.

23 Sec. 2. Section 36-568.01, Arizona Revised Statutes, is amended to  
24 read:

25 36-568.01. Confidentiality of records

26 A. All information obtained and records prepared in the course of  
27 providing any services under this chapter to clients shall be confidential  
28 and privileged matter. Such information and records may be disclosed only:

29 1. When the responsible person designates in writing persons to whom  
30 records or information may be disclosed.

31 2. To the extent necessary to make claims on behalf of a client for  
32 aid, insurance or medical assistance to which he may be entitled.

33 3. Pursuant to court order.

34 4. In communications between professional persons in the providing of  
35 services or appropriate referrals.

36 5. When such disclosure is necessary to protect against a clear and  
37 substantial risk of imminent serious injury.

38 6. To the superior court when a petition to establish guardianship for  
39 the person is filed pursuant to the provisions of title 14, chapter 5.

40 7. To other state agencies or bodies for official purposes and in such  
41 cases information or records shall be released without the designation of the  
42 name of the client unless such name is required for the official purposes of  
43 state agencies or bodies requesting such information. Such case information

1 received by a state agency or body shall be maintained as confidential unless  
2 a consent to release has been given as provided in this section.

3 8. TO A LAW ENFORCEMENT AGENCY OR A COUNTY MEDICAL EXAMINER IN THE  
4 PERFORMANCE OF OFFICIAL DUTIES UNLESS THE RECORDS REQUESTED RELATE TO A  
5 PERSON WHO IS THE SUBJECT OF A CRIMINAL INVESTIGATION, IN WHICH CASE THE  
6 RECORDS MAY ONLY BE RELEASED PURSUANT TO A COURT ORDER OR GRAND JURY  
7 SUBPOENA. A PERSON SHALL MAINTAIN INFORMATION PROVIDED TO A LAW ENFORCEMENT  
8 AGENCY OR A COUNTY MEDICAL EXAMINER UNDER THIS PARAGRAPH AS CONFIDENTIAL  
9 UNLESS A CONSENT TO RELEASE HAS BEEN GIVEN PURSUANT TO THIS SECTION OR  
10 PURSUANT TO A COURT ORDER OR GRAND JURY SUBPOENA.

11 B. The person to whom such information has been released pursuant to  
12 subsection A shall be prohibited from using or releasing such information  
13 except in the proper performance of his or her duties.


APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 25, 2002,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

  
Speaker of the House

*Speman L. Moore*  
Chief Clerk of the House

Passed the Senate March 18, 2002.

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

  
President of the Senate

Charmian Boone  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

**This Bill was received by the Governor this**

day of \_\_\_\_\_, 20\_\_\_\_,

at o'clock M.

Secretary to the Governor

Approved this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ , 20\_\_\_\_ ,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

**Governor of Arizona**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

**This Bill was received by the Secretary of State**

this 1 day of January, 2020,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

**Secretary of State**

**S.B. 1152**

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate April 30, 2002,

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

Randall Hunt  
President of the Senate

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2002,

at 12:48 o'clock P M.

Josephine Ramirez  
Secretary to the Governor

Approved this 6<sup>th</sup> day of

May, 2002,

at 3:44 o'clock P M.

Jane Dee Hull  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2002,

at 3:13 o'clock P M.

Pete Bayless  
Secretary of State

S.B. 1152